

***[NO MINUTES WERE GENERATED FOR  
MONDAY, OCTOBER 5, 2009.]***

1785

**SUPREME COURT MINUTES  
TUESDAY, OCTOBER 6, 2009  
SAN FRANCISCO, CALIFORNIA**

**S175955**      B206102 Second Appellate District, Div. 4      **PALMER/SIXTH STREET  
PROPERTIES, LP v. CITY OF  
LOS ANGELES**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the responses to requests for depublication filed by Southern California Association for Nonprofit Housing et al., and appellant City of Los Angeles is extended to October 9, 2009.

**S175492**      **ROMAN, JR., ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that HECTOR MANUEL ROMAN, JR., State Bar Number 187633, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. HECTOR MANUEL ROMAN, JR., is suspended from the practice of law for the first 30 days of probation;
2. HECTOR MANUEL ROMAN, JR., must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 11, 2009; and
3. At the expiration of the period of probation, if HECTOR MANUEL ROMAN, JR., has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

HECTOR MANUEL ROMAN, JR., must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for the years 2010, 2011, and 2012. If HECTOR MANUEL ROMAN, JR., fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S175494****SCHWARTZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that JUSTIN DANIEL SCHWARTZ, State Bar Number 144470, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JUSTIN DANIEL SCHWARTZ must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 12, 2009, and the Modification Order filed on March 4, 2009; and
2. At the expiration of the period of probation, if JUSTIN DANIEL SCHWARTZ has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JUSTIN DANIEL SCHWARTZ must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for the years 2010, 2011, and 2012. If JUSTIN DANIEL SCHWARTZ fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S175495****CHANG ON DISCIPLINE**

Recommended discipline imposed

The court orders that TE JUNG CHANG, State Bar Number 147088, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, subject to the following conditions:

1. TE JUNG CHANG is suspended from the practice of law for a minimum of 90 days, and she will remain suspended until the following requirements are satisfied:
  - i. She makes restitution to Attorney Justin Schwartz in the amount of \$409 plus 10 percent interest from February 27, 2002, (or reimburses the Client Security Fund, to the extent of any payment from the fund to Attorney Justin Schwartz, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles.
  - ii. She pays sanctions to the Clerk of the Court of Appeal of the State of California, First Appellate District, in the amount of \$1,500 plus 10 percent interest from May 27, 2003, and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles.
  - iii. The State Bar Court grants a motion to terminate her suspension pursuant to rule 205 of the Rules of Procedure of the State Bar. TE JUNG CHANG must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating her suspension.

2. If she remains suspended for two years or more as a result of not satisfying the preceding conditions, she must also provide proof to the State Bar Court of her rehabilitation, fitness to practice, and learning and ability in the general law before her suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

TE JUNG CHANG must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

TE JUNG CHANG must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of her suspension, whichever is longer and furnish proof of passage within that same time period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S175497****BIRDT ON DISCIPLINE**

Recommended discipline imposed

The court orders that JONATHAN WESLEY BIRDT, State Bar Number 183908, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JONATHAN WESLEY BIRDT is suspended from the practice of law for the first 30 days of probation.
2. JONATHAN WESLEY BIRDT must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 28, 2009.
3. At the expiration of the period of probation, if JONATHAN WESLEY BIRDT has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JONATHAN WESLEY BIRDT must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for the years 2010 and 2011. If JONATHAN WESLEY BIRDT fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S175498****HALE ON DISCIPLINE**

Recommended discipline imposed

The court orders that RICHARD LEE HALE, State Bar Number 139773, is suspended from the practice of law in California for six months, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. RICHARD LEE HALE must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on April 20, 2009; and
2. At the expiration of the period of probation, if RICHARD LEE HALE has complied with the terms of probation, the six-month period of stayed suspension will be satisfied and that suspension will be terminated.

RICHARD LEE HALE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and furnish satisfactory proof of passage within that same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S175507****FRAAS ON DISCIPLINE**

Recommended discipline imposed

The court orders that LISA MARIE FRAAS, State Bar Number 142040, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for one year subject to the following conditions:

1. LISA MARIE FRAAS is suspended from the practice of law for the first 30 days of probation;
2. LISA MARIE FRAAS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 27, 2009; and
3. At the expiration of the period of probation, if LISA MARIE FRAAS has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

LISA MARIE FRAAS must take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for the years 2010, 2011, and 2012. If LISA MARIE FRAAS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S175508****COHEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that HOWARD MICHAEL COHEN, State Bar Number 170490, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, subject to the following:

1. HOWARD MICHAEL COHEN is suspended from the practice of law for a minimum of two years, and he will remain suspended until the following requirements are satisfied:
  - i. He makes restitution to Olga Giron in the amount of \$1,000 plus 10 percent interest per annum from November 18, 2004, (or reimburses the Client Security Fund to the extent of any payment from the fund to Olga Giron, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - ii. He makes restitution to Jorge Tomas Fleming in the amount of \$2,650 plus 10 percent interest per annum from December 23, 2005, (or reimburses the Client Security Fund to the extent of any payment from the fund to Jorge Tomas Fleming, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - iii. He makes restitution to Martha Lorentzen in the amount of \$9,700 plus 10 percent interest per annum from January 4, 2007, (or reimburses the Client Security Fund to the extent of any payment from the fund to Martha Lorentzen, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - iv. The State Bar Court grants a motion to terminate his suspension pursuant to rule 205 of the Rules of Procedure of the State Bar; and
  - v. HOWARD MICHAEL COHEN must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. HOWARD MICHAEL COHEN must comply with the conditions of probation, if any, imposed by the State Bar Court as a condition for terminating his suspension.

HOWARD MICHAEL COHEN must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

HOWARD MICHAEL COHEN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S175509****TOKARCZYK ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that GREGORY JOHN TOKARCZYK, State Bar Number 150924, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. GREGORY JOHN TOKARCZYK is suspended from the practice of law for a minimum of the first six months of probation, and he will remain suspended until the following requirements are satisfied:
  - i. He makes restitution to Bhupinder Kaur Gill (formerly Nijjar) in the amount of \$10,000 plus 10 percent interest per year from December 28, 2006, (or reimburses the Client Security Fund, to the extent of any payment from the fund to Bhupinder Kaur Gill [formerly Nijjar], in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - ii. He makes restitution to Robert Skiba in the amount of \$300 plus 10 percent interest per year from September 25, 2006 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Robert Skiba, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
  - iii. If he remains suspended for two years or more as a result of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).).
2. GREGORY JOHN TOKARCZYK must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 24, 2009.
3. At the expiration of the period of probation, if GREGORY JOHN TOKARCZYK has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

GREGORY JOHN TOKARCZYK must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

GREGORY JOHN TOKARCZYK must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S175511****ESPINOZA ON DISCIPLINE**

Recommended discipline imposed

The court orders that RICHARD ALLEN ESPINOZA, State Bar Number 74367, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. RICHARD ALLEN ESPINOZA is suspended from the practice of law for a minimum of the first six months of probation, and he will remain suspended until the following requirement is satisfied:
  - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).).
2. RICHARD ALLEN ESPINOZA must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 19, 2009; and
3. At the expiration of the period of probation, if RICHARD ALLEN ESPINOZA has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

RICHARD ALLEN ESPINOZA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for the years 2010, 2011, and 2012. If RICHARD ALLEN ESPINOZA fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S175512****SCOVIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that KIM DENNISE SCOVIS, State Bar Number 182059, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. KIM DENNISE SCOVIS is suspended from the practice of law for the first 90 days of probation;
2. KIM DENNISE SCOVIS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 4, 2009; and
3. At the expiration of the period of probation, if KIM DENNISE SCOVIS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

KIM DENNISE SCOVIS must take and pass the Multistate Professional Responsibility

Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in an automatic suspension. (Cal. Rules of Court, rule 9.10(b).)

KIM DENNISE SCOVIS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for the years 2010, 2011, and 2012. If KIM DENNISE SCOVIS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S175513****SARIA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RICARDO CORTEZ SARIA, State Bar Number 74999, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RICARDO CORTEZ SARIA must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed February 19, 2009. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

RICARDO CORTEZ SARIA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.



**SUPREME COURT MINUTES  
TUESDAY, OCTOBER 6, 2009  
LOS ANGELES, CALIFORNIA**

The Supreme Court of California convened in its courtroom in the Ronald Reagan State Office Building, Third Floor, South Tower, 300 South Spring Street, Los Angeles, California, on Tuesday, October 6, 2009, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

S157341 Cathy Lexin et al., Petitioners,  
v.  
Superior Court of San Diego County, Respondent;  
The People, Real Party in Interest.

*[To be called and continued to November 2009 Calendar.]*

S156598                      Brown, Winfield and Canzoneri, Inc., Petitioner,  
v.  
Superior Court of Los Angeles County, Respondent;  
Great American Insurance Company, Real Party in Interest.

*[Cause called and continued to November 2009 Calendar.]*

S155556

In re Phoenix H., a Person Coming Under the Juvenile Court Law.

---

San Diego County Health & Human Services Agency, Plaintiff and Respondent,

v.

Miryam H., Defendant and Appellant.

Cause called. Patti L. Dikes, Court-appointed Counsel, argued for Appellant.

Lisa Maldonado, Office of the San Diego County Counsel, argued for Respondent.

Ms. Dikes replied.

Cause submitted.

S054372

The People, Respondent,

v.

Dennis Newton Ervine, Appellant.

Cause called. Douglas Ward, Office of the State Public Defender Appointed Counsel, argued for Appellant.

Laura Wetzel Simpton, Office of the Attorney General, argued for Respondent.

Mr. Ward replied.

Cause submitted.

Court recessed until 1:30 p.m. on this date.

Court reconvened pursuant to recess.

Members of the court and officers present as first shown.

S166894

The People, Plaintiff and Respondent,

v.

Timothy Johnson, Defendant and Appellant.

Cause called. Vicki I. Firstman, Sixth District Appellate Program, argued for Appellant.

René A. Chacoń, Office of the Attorney General, argued for Respondent.

Ms. Firstman replied.

Cause submitted.

S068230

The People, Respondent,  
v.  
Raymond Oscar Butler, Appellant.

Cause called. Jessica K. McGuire, Office of the State Public  
Defender, Appointed Counsel, argued for Appellant.  
Jason Tran, Office of the Attorney General, argued for Respondent.

Ms. McGuire replied.  
Cause submitted.

S054774

The People, Respondent,  
v.  
Keith Desmond Taylor, Appellant.

Cause called. Barry Helft, Office of the State Public Defender,  
Appointed Counsel, argued for Appellant.  
Alana Butler, Office of the Attorney General, argued for Respondent.

Mr. Helft replied.  
Cause submitted.

Court adjourned.